IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1138 OF 2003

Laxman Rama Kandhare & Anr. .. Petitioners.
Vs.
Hirabai Baba Kashid .. Respondent.

Mr.I.M.Khairdi for the petitioners.

CORAM : D.B.BHOSALE, J.
DATED : 5TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioners.

2. This petition is directed against the judgment and order dated 30.4.2002 passed on the civil miscellaneous appeal filed by the respondent-defendant, setting aside the order dated 30.8.2001 passed on the application at Exhibit-5 by the trial Court. The petitioner had earlier challenged the order passed on the appeal by way of civil revision application No.1171 of 2002. This Court while issuing rule on the said revision on 18th July, 2002 had passed the following order:

> . "Rule
> . Meanwhile, the Respondent shall not construct new house or shed in the property bearing Gat No.232 at village Dhanore (Dagad), Taluka Barshi.

3. That order was continued till 18th December, 2002. The civil revision application was withdrawn as not maintainable on that day with liberty to the

petitioners to file present writ petition. In the present writ petition while issuing notice the order of status quo was granted on 8th February, 2003. Though the order of status quo was granted for limited period and it was not extended thereafter Mr.Khairdi, learned counsel for the petitioners submits that the parties have maintained the status quo till this date under the impression that the order of status quo was continued in the instant writ petition. None appears for the respondent, though served. Keeping in view the statement of Mr.Khairdi and considering the overall facts and circumstances of the case I do not find it necessary to keep this writ petition pending for admission any more and in my opinion the interest of justice would be met by the following order:

. The parties are directed to maintain status quo "as of today" till the disposal of the Regular Civil Suit No.503/2000. The trial Court shall dispose of the suit as expeditiously as possible and preferrably within a period of one year from the date of receipt of this order on merits in accordance with law and without being influenced by the orders passed in these proceedings.

. With these observations the writ petition stands disposed of.

(D.B.Bhosale, J.)